

02-27-02

A

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 28110/35878A

JC857 U.S. PTO  
10/08/2002  
02/26/02

**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request under 37 CFR 1.53 for filing a

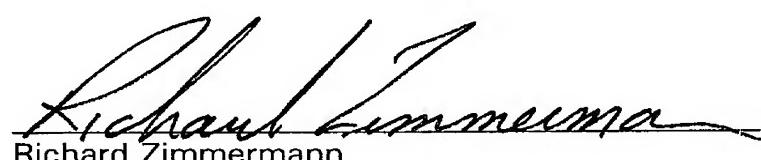
- continuation application.  
 divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/370,398  
Filed on: August 6, 1999  
Title: Growth Factor Antagonist Materials and Methods  
Art Unit: 1647  
Examiner: Christine J. Saoud  
Prior Docket No.: 28110/35878

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **February 26, 2002**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EV027098958US.

  
Richard Zimmermann

jc971 U.S. PTO  
20/20

2. This request is filed by:

|                                |   |   |  |
|--------------------------------|---|---|--|
| 1.<br>Full Name of<br>Inventor | Family Name<br>Ballinger                  | First Given Name<br>Dennis                | Second Given Name<br>G.                            |
| Residence &<br>Citizenship     | City<br>Menlo Park                        | State or Foreign<br>Country<br>California | Country of Citizenship<br>United States of America |
| Post Office<br>Address         | Post Office Address<br>38 Bishop Lane     | City<br>Menlo Park                        | State & Zip Code/Country<br>California, 90425      |
| 2.<br>Full Name of<br>Inventor | Family Name<br>Montgomery                 | First Given Name<br>Julie                 | Second Given Name<br>Reeder                        |
| Residence &<br>Citizenship     | City<br>Santa Cruz                        | State or Foreign<br>Country<br>California | Country of Citizenship<br>United States of America |
| Post Office<br>Address         | Post Office Address<br>2077 Redwood Drive | City<br>Santa Cruz                        | State & Zip Code/Country<br>California, 95060      |

- This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. Amendments

- Amend the specification by inserting before the first line the sentence:
- Cancel claims \_\_\_\_\_ in the prior application before calculating the filing fee.
- A Preliminary Amendment is enclosed.
- The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. Copy of Prior Application

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

**5. Formal Figures**

The figures enclosed are formal and are identical to the formal figures filed in the prior application.

**6. Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**7. Assignment**

- The prior application is assigned of record to Hyseq, Inc., and has been recorded at Reel No. 10447, Frame No. 0978.

**8. Small Entity Status**

- Applicant claims small entity status. See 37 CFR 1.27.  
 A small entity statement is(are) attached.

**9. Application to Be Published**

- Yes.  
 No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

**10. Fee Calculation**

| CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)              |           |           |              |          |                           |          |
|---|-----------|-----------|--------------|----------|---------------------------|----------|
|   |           |           | SMALL ENTITY |          | OTHER THAN A SMALL ENTITY |          |
|   | NO. FILED | NO. EXTRA | RATE         | FEE      | RATE                      | FEE      |
| BASIC FEE   |           |           |              | \$370.00 |                           | \$740.00 |
| TOTAL   | 2 -20     | = 0       | X 9 =        | \$       | X 18 =                    | \$       |
| INDEP.  | 2 - 3     | = 0       | X 42 =       | \$       | X 84 =                    | \$       |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claim |           |           | + 140 =      | \$       | + 280 =                   | \$       |
| Filing Fee:   |           |           | \$370.00     |          | OR                        | \$       |

**11. Method of Payment of Fees**

- Attached is a check in the amount of: \$370.00
- Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.

**12. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

**13. Correspondence Address**

Customer No.: 04743

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300  
(312) 474-0448 (Telefacsimile)

By:

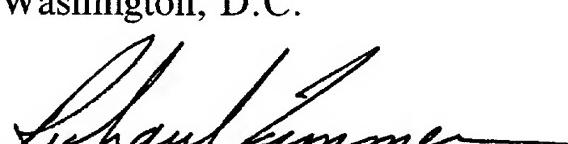
Sharon M. Sintich  
Sharon M. Sintich  
Reg. No: 48,484

February 26, 2002

PATENT  
Attorney Docket No: 28110/35878A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ballinger and Montgomery ) "EXPRESS MAIL" mailing label No.  
Serial No.: R. 53(b) continuation ) EV027098958US.  
of U.S.S.N. 09/370,398 )  
Filed: Herewith ) Date of Deposit: February 26, 2002  
For: "Growth Factor Antagonist )  
Materials and Methods" ) I hereby certify that this paper and all  
Group Art Unit: To be assigned ) documents referred to therein as being enclosed  
Examiner: To be assigned ) are being deposited with the United States  
 ) Postal Service "EXPRESS MAIL POST  
 ) OFFICE TO ADDRESSEE" service under 37  
 ) C.F.R. §1.10 on the date indicated above and  
 ) is addressed to the Commissioner for Patents,  
 ) Washington, D.C.

  
Richard Zimmermann

**STATEMENT UNDER 37 C.F.R. §1.821**

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, DC 20231

Sir:

The Sequence Listing in the above-identified application is identical to that in the parent application, U.S. Serial No. 09/370,398 filed August 6, 1999. In accordance with 37 C.F.R. 1.821(e), Applicants request that the Patent Office use the identical computer readable form of the Sequence Listing from the parent application as the computer readable form in the present application. The paper copy of the Sequence Listing included in the specification filed herewith is identical to the computer readable form of the Sequence Listing in the parent application, U.S. Serial No. 09/370,398.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300

February 26, 2002

By:

Sharon M. Sintich  
Reg. No: 48.484

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): ) Title: "Growth Factor Antagonist  
Ballinger and Montgomery ) Materials and Methods"  
Serial No: R.53(b) continuation of ) Group Art Unit: To be assigned  
U.S.S.N. 09/370,398 ) Examiner: To be assigned  
Filed: Herewith ) )

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 1.22(b).

Respectfully submitted,  
MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
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(312) 474-6300  
(312) 474-0448 (Telefacsimile)

By:

Sharon M. Sintich  
Sharon M. Sintich  
Reg. No: 48,484

February 26, 2002